

John A. Kawai, CSBN 260120
CARPENTER, ZUCKERMAN & ROWLEY
400 South 4th Street, Suite 500
Las Vegas, NV. 89101
Tel: (805) 272-4001
Fax: (805) 719-6858
Email: jk@czrlaw.com
Of Attorneys for Plaintiffs

Deborah A. Bianco, *Pro Hac Vice*
14535 Bel-Red Road, #201
Bellevue, WA 98007
(425) 747-4500
Email: deb@debbiancolaw.com
Attorney for Plaintiffs Maureen, Pia,
And Mya

Carol L. Hepburn, *Pro Hac Vice*
PO Box 17718
Seattle, WA 98127
Tel: 206) 957-7272
Fax: (206) 957-7273
Email: carol@hepburnlaw.net
Attorney for Plaintiffs Lily, Sarah,
Skylar, Savannah, Sally, Sierra, Violet,
Amy, Erika, Tori, Jenny, and Jessica

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
Oakland Division

“Amy,” et. al.,

Plaintiffs,

v.

RANDALL STEVEN CURTIS

Defendant.

Case No: 3:19-CV-02184PJH

PLAINTIFFS’ REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF THEIR
MOTION FOR SUMMARY JUDGMENT

NOTE ON MOTION CALENDAR:

Date: February 17, 2021

Time: 9:00 a.m.

Judge: Honorable Phyllis J. Hamilton

Chief United States District Court Judge

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Plaintiffs request this Court to take judicial notice, pursuant to Federal Rule of Evidence 201, of the documents listed below and attached to the Declaration of Carol L. Hepburn (“Hepburn Decl.”) in support of Plaintiff’s Motion for Judicial Notice. Specifically, Plaintiffs request that the Court take judicial notice of the following documents:

Exhibit 1: is a true and correct copy of the July 13, 2017 Plea Agreement filed at ECF 34 in *United States v. Randall Steven Curtis*, United States District Court, Northern District of California, San Francisco Division, No. 3:16-CR-00510-SI (Hepburn Decl. ¶3, Ex. 1);

Exhibit 2: is a true and correct copy of Defendant Curtis’ statements under oath before Judge Ilston on July 13, 2017, in *United States v. Randall Steven Curtis*, United States District Court, Northern District of California, San Francisco Division, No. 3:16-CR-00510-SI. (Hepburn Decl. ¶4, Ex. 2).

Exhibit 3: is a true and correct copy of the September 18, 2018 Amended Judgment and Appended Restitution List, setting forth the victims who were awarded restitution, filed at ECF 114 in *United States v. Randall Steven Curtis*, United States District Court, Northern District of California, San Francisco Division, No. 3:16-CR-00510-SI (Hepburn Decl. ¶5, Ex. 3)

MEMORANDUM OF POINTS AND AUTHORITIES**INTRODUCTION**

Plaintiffs respectfully request that this Court take judicial notice of three documents listed above and filed in the criminal case, *United States v. Randall Steven Curtis*, United States District Court, Northern District of California, San Francisco Division, No. 3:16-CR-00510-SI.

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ARGUMENT

In considering a motion a court may consider any matters subject to judicial notice. A matter is subject to judicial notice when it is “not reasonably subject to dispute” because it either “(1) is generally known within the trial court’s territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned” Fed. R. Evid. 201(b). A court “must take judicial notice if a party requests it and the court is supplied with the necessary information.” Fed. R. Evid. 201(c)(2).

Judicial notice may be taken of “undisputed matters of public record: and “documents on file in federal or state courts” in order to determine “what issues were actually litigated” before the court. *Harris v. County of Orange*, 682 F.3d 1126, 1132 (9th Cir. 2012) (citing *Bennett v. Medtronic, Inc.*, 285 F.3d 801, 803 n.2 (9th Cir. 2002)).

All the documents of which Plaintiffs request notice here are of public record in this court’s criminal case docket. All are relevant to Plaintiffs’ claims herein as they establish Defendant’s conviction of a predicate offense under 18 U.S.C. §2255, his admission of injury to his victims by his offense, the court’s finding of losses suffered by Plaintiffs herein caused by the Defendant’s offense, and the entry by the court of the order of Restitution.

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CONCLUSION

For the foregoing reasons, Plaintiffs' respectfully request that the Court grant their Request for Judicial Notice in support of their Motion for Summary Judgment.

Dated this 19th January, 2021.

CARPENTER, ZUCKERMAN, & ROWLEY

By /s John A. Kawai
John A. Kawai
400 South 4th Street, Suite 500
Las Vegas, NV. 89101
Tel: (805) 272-4001
Fax: (805) 719-6858
Email: jk@czrlaw.com
Of Attorneys for Plaintiffs

CAROL L. HEPBURN, P.S.

By /s Carol L. Hepburn
Carol L. Hepburn, *Pro Hac Vice*
200 First Ave. West, Suite 550
Seattle, WA 98119
(206) 957-7272
(206) 957-7273 fax
Email: carol@hepburnlaw.net
Attorney for Plaintiffs Lily, Sarah,
Skylar, Savannah, Sally, Sierra, Violet,
Amy, Erika, Tori, Jenny, and Jessica

1 DEBORAH A. BIANCO, PLLC

2 By /s Deborah A. Bianco

3 Deborah A. Bianco, *Pro Hac Vice*

4 14535 Bel-Red Road, #201

5 Bellevue, WA 98007

6 Phone: 425-747-4500

7 Email: deb@debbiancolaw.com

8 Attorney for Plaintiffs Maureen, Pia,
9 And Mya
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